Appl. No. 10/632,661
Amdt. dated March 13, 2009
Reply to Office Action of February 6, 2009

PATENT

REMARKS/ARGUMENTS

Prior to the entry of this Amendment, claims 10-17 and 26-30 were pending in this application. Claim 10 has been amended, no claims have been canceled, and new claims 31 and 32 have been added herein. Therefore, claims 10-17 and 26-32 are now pending in this application. Applicants respectfully request reconsideration of these claims, as amended, for at least the reasons presented below.

35 U.S.C. § 102 Rejection, Elwahab

Claims 10 and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Application Publication No. 2001/0034754 A1 of Elwahab et al. (hereinafter "Elwahab"). The Applicants respectfully submit the following arguments pointing out significant differences between claims 10 and 17 submitted by the Applicants and Elwahab.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Elwahab fails to disclose each and every claimed element. For example, Elwahab fails to disclose, either expressly or inherently, abstracting a content object from a first content object entity and selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page, distinguishing the abstracted content object into another content object also selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page but different from the first content object, and providing the third content object to a second content object entity.

Elwahab is directed to "a Markup-Language-type content server used in conjunction with a customer premise gateway, via Markup-Language-type pages (e.g., HTML, XML, and the like), remote access and control of smart devices, appliances, personal computers,

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and other devices and systems connected at a customer premise via different communication means and protocols." (para. 3) That is, Elwahab discloses a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system. (para. 9).

As recited in the pending claims, a content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page. Elwahab does not disclose abstraction or distinction of such content. For example, Elwahab does not disclose abstraction or distinction of video objects, audio objects or other content. Rather, Elwahab describes a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system. Furthermore, Elwahab does not disclose abstracting a first content object from a first content object entity in a format compatible with a first content object entity into a second content object in an abstract form and distinguishing the second (abstract) content object to create a third content object in a second content format that is compatible with a second content object entity and different from the first content format. For example, Elwahab does not disclose abstracting a first content object comprising a voicemail from a first content object entity into an abstract form, distinguishing that abstract form into a third content object comprising an email, and providing that third content object (email) to a second content object entity as recited in claim 31.

In response to the argument that Elwahab does not disclose these claim recitations, the Office Action points to "a new interpretation of the Elwahab reference" and contends that:

> "device specifications/commands are stored in a first format (e.g. markup or flat file format) and accessed as a second format (i.e. rendered into a markup language-type page). Thereafter, the specifications/commands are presented (i.e. distinguished) to the smart devices (third content object entities) in a format they understand (i.e. a third format)." (Office Action page 10)

The Applicants respectfully submit that this argument illustrates one of the deficiencies of the Elwahab reference. For example, the Applicants maintain that the "device

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PATENT

specification/commands" identified by the Office Action cannot reasonably be interpreted as describing the content objects as specifically recited in the pending claims. Furthermore, this argument fails to properly address the recitations of distinguishing the abstracted content object into another content object different from the first content object, and providing the third content object to a second content object entity.

As argued by the Office Action "once the specifications/commands are interpreted by the smart devices, they may be represented as commands (i.e., documents) different than what is presented to the user." In other words, the Office Action seems to be arguing that the receiving smart device, i.e., the second content object entity, does the distinction. To any extent that such a reading of Elwahab may be made, the Applicants respectfully point out that the argument suggest providing the intermediate format of the data to the smart device for "distinction" rather than distinguishing the intermediate form and providing the distinguished object (i.e., the third content object) to the recipient (second content object entity) as recited in the pending claims. Thus, the Applicants respectfully maintain that Elwahab does not disclose, expressly or inherently, abstracting a first content object from a first content object entity in a format compatible with a first content object entity into a second content object in an abstract form and distinguishing the second (abstract) content object to create a third content object in a second content format that is compatible with a second content object entity and different from the first content format and providing the third content object to a second content object entity.

Claim 10, upon which all currently pending claims depend, recites in part, "accessing a first content object from a first content object entity within the customer's premises, wherein the first content object is in a first content format compatible with the first content object entity and wherein the first content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page; abstracting the first content object to create a second content object in an abstract format, wherein the abstract format is compatible with a plurality of content formats; distinguishing the second content object to create a third content object, wherein the third content object is in a

Appl. No. 10/632,661
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PATENT

second content format that is compatible with a second content object entity within the customer's premises, wherein the third content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page, and wherein the third content object is different from the first content format; and providing the third content object to the second content object entity." Elwahab does not disclose, either expressly or inherently, abstracting a data type of a content object selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page, distinguishing the abstracted content object into another content object also selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page but different from the first content object, and providing the third content object to the second content object entity. For at least these reasons, the rejection is improper and should be withdrawn.

35 U.S.C. § 103 Rejections, Elwahab in view of Jeffrey

The Office Action has rejected claims 11-14, 16, and 26-30 under 35 U.S.C. §103(a) as being unpatentable over Elwahab as applied to claims 10 and 17 above, in view of U.S. Patent No. 6,576,981 of Jeffrey (hereinafter "Jeffrey"). As discussed above, claim 10, upon which claims 11-14 and 16 depend is thought to be allowable. Therefore, claims 11-14, and 16, are also thought to be allowable at least by virtue of their dependence on an allowable base claim. For at least these reasons, the Applicants request withdrawal of the rejection.

35 U.S.C. § 103 Rejections, Elwahab and Jeffrey and further in view of Baer

The Office Action has rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Elwahab and Jeffrey, as applied to claims 11-14, and 16 above, in view of U.S. Patent No. 6,611,840 of Baer et al (hereinafter "Baer"). As discussed above, claim 10, upon which claim 15 depends, is thought to be allowable. Therefore, claim 15 is also thought to be allowable at least by virtue of its dependence on an allowable base claim. For at least these reasons, the Applicants request withdrawal of the rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Dated: _____ March 13, 2009   Respectfully submitted,

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